

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

PROJECT CITIZENSHIP INC.,

Plaintiff,

v.

DEPARTMENT OF HOMELAND  
SECURITY, ALEJANDRO N. MAYORKAS, in  
his official capacity, UR M. JADDOU, in her  
official capacity, AND UNITED STATES  
CITIZENSHIP AND IMMIGRATION  
SERVICES,

Defendants.

Case No. 1:20-cv-11545-NMG

**JOINT STATUS REPORT AND MOTION TO STAY ALL PROCEEDINGS**

Pursuant to Federal Rule of Civil Procedure 7(b)(1), and this Court's September 14, 2021 Order, ECF No. 50, Plaintiff Project Citizenship, Inc. and Defendants Department of Homeland Security, Alejandro N. Mayorkas, in his official capacity, Ur M. Jaddou, in her official capacity, and United States Citizenship and Immigration Services ("USCIS") (collectively, the "parties"), by and through counsel, hereby request that the Court continue the stay of all proceedings in this case. In support of this motion, the parties state as follows:

1. As explained in the parties' February 5, 2021, May 13, 2021, and September 9, 2021 joint stay motions, ECF Nos. 40, 45 & 48, Executive Order 14,012, "Restoring Faith in Our Legal Immigration Systems and Strengthening Integration and Inclusion Efforts for New Americans," 86 Fed. Reg. 8,277 (Feb. 5, 2021) (the "EO"), directed defendant the Secretary of Homeland Security to undertake a review of, among other things, the 2020 Final Rule at issue in this litigation, naturalization fees, and the fee waiver process.

2. As further explained in the parties' May 13, 2021 and September 9, 2021 joint stay motions, ECF Nos. 45 & 48, DHS also is currently conducting a fee review. Any final rule resulting from that review would adjust USCIS fees and the USCIS fee waiver policy and, if advanced, could

resolve this litigation. In December 2021, the Office of Management and Budget, Office of Information and Regulatory Affairs released the Fall 2021 Unified Agenda of Regulatory and Deregulatory Actions (“Unified Agenda”). The Unified Agenda reports on the actions administrative agencies plan to issue in the near and long term. The Fall 2021 Unified Agenda contains an entry relating to the 2020 Final Rule, which states that DHS “will propose to adjust the fees charged by U.S. Citizenship and Immigration Services (USCIS) for immigration and naturalization benefit requests,” and that “[t]his rule would rescind and replace the changes made by the [2020 Final Rule] and establish new USCIS fees to recover USCIS operating costs.” The entry listed a March 2022 target date for the publication of a Notice of Proposed Rulemaking (“NPRM”) to that effect. *See* Off. of Mgmt. & Budget, Off. of Info. & Regulatory Affairs, Unified Agenda of Regulatory & Deregulatory Actions (Fall 2021), RIN 1615-AC68, <https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=202110&RIN=1615-AC68> (last accessed March 30, 2021). DHS will provide updates to the public, including estimated publication dates, on all of its rulemakings in the upcoming Spring 2022 Unified Agenda of Regulatory and Deregulatory Actions. At this time, DHS estimates that the Spring 2022 Unified Agenda entry relating to the 2020 Final Rule will list a September 2022 target date for publication of an NPRM.

3. In light of the *ILRC* Preliminary Injunction Order, *see* ECF No. 40 ¶ 3, the *NWTRP* Preliminary Injunction Order, *see* ECF No. 40 ¶ 4, and the EO, and in the interests of judicial economy, the parties have conferred and agreed to jointly request that the Court further stay this case and hold all proceedings in abeyance to allow for further regulatory development.

4. Additionally, the parties have conferred and agreed to jointly request that, should the case be stayed to allow for further regulatory development, the parties be permitted to file a joint status report by the earlier of October 3, 2022, or within two weeks of Defendants either publishing in the Federal Register a notice of proposed rulemaking regarding a proposed new fee rule or advising Plaintiff that Defendants have determined not to propose a new fee rule, indicating whether this case and all proceedings should continue to be held in abeyance or proposing a schedule for continuing the litigation.

WHEREFORE, the parties respectfully request that the Court grant their Motion, continue to stay all proceedings in this case, and permit the parties to file a joint status report by the earlier of October 3, 2022, or within two weeks of Defendants either publishing in the Federal Register a notice of proposed rulemaking regarding a proposed new fee rule or advising Plaintiff that Defendants have determined not to propose a new fee rule, indicating whether this case and all proceedings should continue to be held in abeyance or proposing a schedule for continuing the litigation.

Dated: March 31, 2022

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Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I, Julie Straus Harris, Senior Trial Counsel, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

Dated: March 31, 2022

/s/ Julie Straus Harris  
Julie Straus Harris  
Senior Trial Counsel